HOUSE BILL No. 1466

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DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-2.5-7-14.

Synopsis: Sales tax prepayment rate for gasoline. Requires the department of state revenue to determine a new sales tax prepayment rate on gasoline every three months. Requires the prepayment rate to be published in the Indiana Register in March and September (in addition to June and December). Reduces the cap used in the prepayment formula to offset the determination being made four times per year instead of twice per year.

Effective: Upon passage.

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January 14, 2009, read first time and referred to Committee on Ways and Means.

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2009 IN 1466—LS 6248/DI 58+

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~
 Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
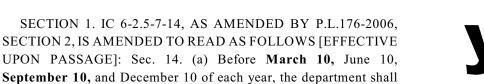 Conflict reconciliation: Text in a statute in *this style type* or *~~this style type~~* reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1466

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1   SECTION 1. IC 6-2.5-7-14, AS AMENDED BY P.L.176-2006,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 14. (a) Before **March 10,** June 10,
4 **September 10,** and December 10 of each year, the department shall
5 determine and provide to:
6   (1) each refiner and terminal operator and each qualified
7   distributor known to the department to be required to collect
8   prepayments of the state gross retail tax under this chapter; and
9   (2) any other person that makes a request;
10 a notice of the prepayment rate to be used during the following ~~six (6)~~
11 **three (3)** month period. The department shall also have the prepayment
12 rate published in the **Indiana Register in March,** June, **September,**
13 and December. ~~issues of the Indiana Register.~~
14   (b) In determining the prepayment rate under this section, the
15 department shall use the most recent retail price of gasoline available
16 to the department.
17   (c) The prepayment rate per gallon of gasoline determined by the

1 department under this section is the amount per gallon of gasoline
2 determined under STEP FOUR of the following formula:
3   STEP ONE: Determine the statewide average retail price per
4   gallon of gasoline, excluding the Indiana and federal gasoline
5   taxes and the Indiana gross retail tax.
6   STEP TWO: Determine the product of the following:
7   (A) The STEP ONE amount.
8   (B) The Indiana gross retail tax rate.
9   (C) Ninety percent (90%).
10   STEP THREE: Determine the lesser of:
11   (A) the STEP TWO result; or
12   (B) the product of:
13   (i) the prepayment rate in effect on the day immediately
14   preceding the day on which the prepayment rate is
15   redetermined under this section; multiplied by
16   (ii) one hundred ~~twenty-five~~ **twelve and five-tenths** percent
17   ~~(125%).~~ **(112.5%).**
18   STEP FOUR: Round the STEP THREE result to the nearest
19   one-tenth of one cent ($0.001).
20   SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) The**
21 **prepayment rate determined under IC 6-2.5-7-14, as amended by**
22 **this act, that will take effect July 1, 2009, applies only in July,**
23 **August, and September 2009.**
24   **(b) This SECTION expires December 31, 2010.**
25   SECTION 3. **An emergency is declared for this act.**

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